



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-102

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

The note following s. NR 422.141 (1) (b) appears to provide a substantive interpretation of the rule. If this note is not limited to explanatory material, its content should be included in the text of the rule itself. [See s. 1.01 (9), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. The analysis accompanying the rule lists s. 285.11 (6), Stats., as providing authority for the rule. Section 285.11 (6), Stats., does not specifically direct or permit the department to promulgate rules; s. 285.11 (1), Stats., does direct the department to promulgate rules implementing ch. 285, Stats.

b. Section NR 423.035 (1) (b) references subd. 2., but there is no subd. 2. either in the current administrative code or created by this rule.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. A comma should follow “sub. (5)” in s. NR 422.105 (1).

b. In s. NR 422.143 (3) (a) (intro.), the reference to “a lithographic press that has maximum theoretical emissions of VOCs...” is ambiguous. Should this phrase refer to “the lithographic press that has maximum theoretical emissions of VOCs”?

c. In s. NR 422.143 (8) (a) 2., the comma after “s. NR 439.07” should be deleted.

